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C O N F I D E N T I A L MANAMA 000831

SIPDIS

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TAGS: [PREL](#) [BA](#) [KIIC](#)

SUBJECT: ARTICLE 98 RATIFICATION IN BAHRAIN: WE CAN GET IT
BUT MAY BE MAKING A MISTAKE

Classified By: Ambassador Ronald E. Neumann. Reasons 1.4(B)(D).

1. (C) King Hamad has promised that he will bring into force the Article 98 exclusion agreement. The foreign minister is struggling to find a way to carry this out without causing a political explosion in Bahrain. I believe the GOB will honor its commitment to us, but I question whether we are actually furthering our own strategic interests.

2. (C) I believe there are strong reasons to credit the many high level assurances we have received that Bahrain will never, under any circumstances, turn an American official or former official over to the International Criminal Court. To do so would be contrary to the fundamental strategic relationship that underpins Bahrain's security and survival. The bilateral relationship is a key pillar of King Hamad's strategic view of the world and he would not undermine it by surrendering U.S. personnel. Thus, what we get for ratification is a legal formula without any real substantive change, at least in the Bahraini context.

3. (C) Yet, if our Article 98 agreement becomes public it could touch off a major political problem, pulling Bahrain's support for our military into the middle of a domestic firestorm. The Shi'a opposition is looking for issues on which to force confrontation with the government. They want to provoke intense responses against which they could mobilize public support that is now inadequate to their needs. The abuse of Iraqi prisoners in Abu Ghraib has made the whole issue of American "criminal" behavior a white hot issue in Bahrain as it is in the rest of the Arab world. A leak of a concluded Article 98 agreement at this time and in these circumstances would be an issue tailor made for the opposition to take to the streets. Anti-government MPs would surely rise and demand that it be revoked. Opposition deputies in parliament would also make a case that the constitution was being violated by secret passage of what ought to be publicly ratified treaties. The Article 98 ratification would certainly be undone. Moreover, all of this focus on the security relationship would tempt political opponents to try to expand the debate to other "surrenders" of Bahrain rights, in such matters as the Defense Cooperation Agreement.

4. (C) My understanding is that the USG has no very certain way of protecting the confidentiality of an agreement since it must be reported under the Case Act.

5. (C) As long as our instructions are to secure Article 98 agreement, this embassy will do everything possible to carry out those instructions. However, I believe I have a responsibility to tell you that in my judgment pressuring formal ratification has large potential political pain for infinitesimal gains. Our desire for formal ratification of an Article 98 agreement now ought to be reconsidered.

NEUMANN